

Exhibit 350

United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al.
v. Dey, Inc., et al., Civil Action No. 05-11084-PBS

**Exhibit to the August 28, 2009 Declaration of Sarah L. Reid in Support
of Dey's Opposition to Plaintiffs' Motion for Partial Summary Judgment**

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APR 15 2003

Clerk of the Napa Superior Court
By: L. WALKER
Deputy

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Dey, L.P.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF NAPA**

DEY, L.P., a Delaware Limited Partnership,

Plaintiff,

vs.

FIRST DATABANK, INC., a Missouri
corporation, d/b/a First DataBank and d/b/a/
PriceAlert; and
WOLTERS KLUWER HEALTH, INC., a
Delaware corporation, d/b/a Medi-Span and
d/b/a Facts and Comparisons,

Defendants.

Case No. **26-21019**

**DECLARATION OF BECKY FARRIS IN
SUPPORT OF PLAINTIFF'S EX PARTE
APPLICATION FOR A TEMPORARY
RESTRAINING ORDER AND ORDER TO
SHOW CAUSE RE PRELIMINARY
INJUNCTION**

Date: April 15, 2003

Time: 9:00 a.m.

Dept.: B

Complaint Filed: _____, 2003

Trial Date: N/A

I, Becky Farris, declare under penalty of perjury under the laws of the State of California
as follows:

I. I am a Sales Operation Coordinator at Dey, L.P. ("Dey"), the plaintiff in the
above-referenced action. As to the following facts, I know them to be true of my own

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DECLARATION OF BECKY FARRIS IN SUPPORT OF PLAINTIFF'S APPLICATION FOR TRO AND OSC RE
PRELIMINARY INJUNCTION
PALOALTO 4057852V1

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1 knowledge and, if required, could competently testify thereto. As to those matters stated on
2 information and belief, I believe them to be true.

3 2. I have been employed, in various capacities, with Dey for 5 years.

4 3. On Thursday, April 10, 2003 I received three voice mail messages from Dey
5 customers regarding a reduction in Dey's Average Wholesale Price ("AWP") as published by
6 First DataBank.

7 4. The first voice mail was from Don Duran of Medi-Rx, a long-term care provider
8 based in Ohio. I returned Mr. Duran's call, at which point he informed me that he would not be
9 adequately reimbursed for Dey products due to a dramatic decrease in AWP pricing as reported
10 by First DataBank. As I was unaware of any decrease in AWP, I informed Mr. Duran that I
11 would make inquiries and get back to him with additional information.

12 5. At that point, Mr. Duran became angered and informed me that he had cancelled
13 all of his orders with Dey and that he was purchasing pharmaceuticals from Dey's competitors.
14 Mr. Duran stated that he did not wish to do business with Dey any longer.

15 6. I informed Steve Desrosiers of my conversation with Mr. Duran. I refrained from
16 returning the other calls until I received more information regarding the apparent AWP
17 decreases.

18 7. Mr. Duran called back this morning and told me that he had contacted his
19 software vendor, who verified the AWP's listed for Dey's products against those listed for
20 Alpharma and Roxane (two of Dey's competitors for Albuterol Sulfate and Ipratropium
21 Bromide). Mr. Duran verified that the AWP's listed for Alpharma and Roxane are now
22 significantly higher than those reported for Dey products. Attached as Exhibit A is a true and
23 correct copy of a fax sent to me by Mr. Duran containing handwritten notes listing the AWP
24 price published for Dey, Alpharma and Roxane with an attached e-mail.

25 8. Mr. Duran told me has informed his employees not to order any Dey products
26 until further notice. He told them to only purchase Roxane and Alpharma products.

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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this declaration was executed this 14 day of April 2003 at
3 Napa, California.
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7 Becky Farris
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12 Coudert Brothers LLP
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DECLARATION OF BECKY FARRIS IN SUPPORT OF PLAINTIFF'S APPLICATION FOR TRO AND OSC RE
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Transaction Data Systems, Inc.1555 Barton Drive • Ocoee, FL 34761-2989
(407) 614-0030 • FAX (407) 614-0048Date: 4/11/03 No. of Pages (incl. cover) 2 FAX NO 230-757-8585Attention: DON From: Dick

Comments:

This is the e-mail I sent to FIRST
DATA BANK on the "bullet" price problem.
You can see by their response, they are
still not about to change it!

MEDI-RX PHARMACY
8401 OLDE STONE CROSSING
POLAND OH 44614
(226) 757-0886

Albiterol Bullets units

NDC 49502-697-60

Dey Amp. problem

Alpharma 0472-0831-60

Amp. (OK)

Ivax/Zenith 0172-6405-49

Amp (OK)

AWP

1.235/per 3 mL B-1111f

MAC
-435

MEDI-EX PHARMACY
6401 OLDE STONE CHOSING
POLAND OH 44114
(330) 757-8535

Hi Dick,
 I checked with our editorial department concerning the reduction in AWP for Albuterol, NDC # 49502-0697-60. The AWP is correct, the manufacture does not set the AWP. This price reflects the latest WBN price reduction.

Thank You,
 Bobi Sullivan
 Customer Service

-----Original Message-----

From: Richard Jones [mailto:rjones@RX30.COM]
 Sent: Thursday, April 10, 2003 12:33 PM
 To: First Data Bank (E-mail)
 Subject: AWP

From: Transaction Data Systems, acct # 200248

I e-mailed you yesterday on what was reported to us by pharmacy of an incorrect awp on Albuterol, ndc # 49502-0697-60. The awp had dropped by 1/3 and pharmacy was assured by wholesaler this was way wrong. I asked you to check on the awp of .07666 per ml and was told this was correct as confirmed

the information you received from the mfr. Today another pharmacy called me on this and said the same thing, only he had contacted Day labs and was, at that time, on the phone with a rep from First Data Bank, confirming that the awp was, indeed, way off!! Besides having lost credibility with our customer, and he having lost considerable revenue, I would like to know how you had confirmed this with the mfr, when they are the one now talking to FDB to get this corrected asap, to prevent further loss. As I understand it, there is another drug affected in the same way, ndc # 49502-0685-60. What will be done about this, and when will we receive a corrected file?
 Dick/TDS

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FAX ATT BALKY
888-617-7877